

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)

v.)

ELISHA JASON ALBERT)

Defendant.)

Case No. 1:23-MJ-183

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT**

I, Matthew E. Lee, being first duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and I have been so employed since 2017. I am currently assigned to the Washington Field Office's Child Exploitation and Human Trafficking Task Force located at the Northern Virginia Resident Agency. As a Special Agent, I investigate federal violations concerning kidnapping, child pornography, the sexual exploitation of children, human trafficking, and related offenses. I have gained experience through training and work related to conducting these types of investigations.

2. I am a law enforcement officer who is engaged in enforcing criminal laws, including offenses in violation of 18 U.S.C. §§ 2422 (coercion and enticement), 2251 (sexual abuse of minors), and 2252 (transportation, receipt, distribution, and possession of child pornography). As such, I am authorized to investigate violations of laws of the United States, and as a law enforcement officer I am authorized to execute arrest warrants issued under the authority of the United States.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and agencies. This affidavit is intended to show merely that there is sufficient probable cause for the requested criminal complaint and does not set forth all of my knowledge about this matter.

4. I submit this affidavit in support a criminal complaint charging ELISHA JASON ALBERT (“ALBERT”) with the attempted coercion and enticement of a minor, in violation of 18 U.S.C. § 2422(b). For the reasons set forth below, I respectfully submit that probable cause exists to believe that from on or about August 25, 2023, through on or about September 25, 2023, ALBERT did use a facility of interstate and foreign commerce to knowingly attempt to persuade, induce, entice, and coerce a minor under the age of eighteen-years-old located in the Eastern District of Virginia to engage in sexual activity for which ALBERT could have been charged with a criminal offense.

STATUTORY AUTHORITY AND DEFINITIONS

5. Coercion and enticement, in violation of Title 18, United States Code, Section 2422(b), criminalizes the use of the mail or any facility or means of interstate or foreign commerce to knowingly persuade, induce, entice, or coerce any individual who has not attained the age of 18 years to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or any attempt to do so.

6. In the Commonwealth of Virginia, “any person can be charged with a criminal offense” who “engages in consensual sexual intercourse or anal intercourse with or performs cunnilingus, fellatio, or anilingus upon or by a child 15 or older not his spouse, child, or

grandchild[,]" in violation of Virginia Code Section 18.2-371(ii). While this offense is a Class 1 misdemeanor, it meets the requirements of 18 U.S.C. § 2422(b).¹

7. "Minor," as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.

8. "Child pornography," as defined in 18 U.S.C. § 2256(8), is any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct.

9. "Sexually explicit conduct," as defined in 18 U.S.C. § 2256(2), means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person.

10. The term "visual depiction," as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data that is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

STATEMENT OF PROBABLE CAUSE

11. An individual identified herein as "Minor Victim 1" is a fifteen-year-old female, who has lived in Haymarket, Virginia, since on or about August 21, 2023. Haymarket, Virginia

¹ See *United States v. Kokayi*, 2019 WL 2028517 at *6 (E.D.Va. May 8, 2019) (Brinkema, J.) (unpublished) (citing *United States v. Shill*, 740 F.3d 1347 (9th Cir. 2014)).

is located within the Eastern District of Virginia. On or about September 16, 2023, Minor Victim 1's custodial guardian submitted a tip to the FBI's National Threat Operations Center regarding ongoing extortionate communications that were being sent to Minor Victim 1.

12. FBI law enforcement officers coordinated a Child Adolescent Forensic Interview (CAFI) with Minor Victim 1, which occurred on or about September 22, 2023. During this interview, Minor Victim 1 disclosed that she had been communicating with several adult men over the chat application Snapchat.² Minor Victim 1 also disclosed that she had created and sent child pornography to at least three of these men. Also during this CAFI, Minor Victim 1 disclosed that she had recently made plans to meet with one individual for the purposes of sex on or about September 23, 2023.

13. The FBI reviewed Minor Victim 1's cell phone and Snapchat chat history between Minor Victim 1 and a user with the display name, "Jordan 🧠 🧠 🧠 🧠" (hereinafter, "JORDAN"). The communications between Minor Victim 1 and JORDAN appear to have begun on or about August 25, 2023.

14. On or about August 26, 2023, Minor Victim 1 and JORDAN chatted as follows:

JORDAN: Ofc

JORDAN: I got a question

MINOR VICTIM 1: What's up

JORDAN: U sell?

JORDAN: Also, how old r u

MINOR VICTIM 1: Yes I do

MINOR VICTIM 1: How old do you want me to be?

² Your affiant knows Snapchat is an application for mobile devices that allows users to chat and share images over the Internet. Snapchat can be used to create multimedia messages referred to as "snaps," which can consist of a photo or a short video. Snaps can be directed privately to selected contacts or the public.

JORDAN: Its better if u don't answer then

JORDAN: Oh yea? What u got?

MINOR VICTIM 1: Whatever you want

JORDAN: Depends what u have

MINOR VICTIM 1: Tell me what you want and I'll lyk

JORDAN: Everything u have :)

MINOR VICTIM 1: What are we talking about exactly

JORDAN: You tell me

MINOR VICTIM 1: Stop that and js tell me

JORDAN: Haha ok ok

JORDAN: Videos?

MINOR VICTIM 1: Like nudes?

JORDAN: Precisely

MINOR VICTIM 1: Okay I thought so

MINOR VICTIM 1: Well how you pay for em?

JORDAN: However u want

JORDAN: Like i said

JORDAN: Depends what u have tho

MINOR VICTIM 1: I have bit tits

MINOR VICTIM 1: A decent ass

JORDAN: Hahaha cute

MINOR VICTIM 1: I'm deadass

JORDAN: Prove it

JORDAN: U

JORDAN: What do you have saved?

JORDAN: Bit tits indeed

JORDAN: I'd slap it :)

MINOR VICTIM 1: Bet

JORDAN: ?

MINOR VICTIM 1: Videos of me playing with my pussy, tits, I

MINOR VICTIM 1: have a bottle that I use as a dick and suck it

MINOR VICTIM 1: too, whatever you want

MINOR VICTIM 1: I can slap my tits, ass,

JORDAN: I'll take all your vids

JORDAN: My thing

JORDAN: Is

JORDAN: The nastier the better

MINOR VICTIM 1: Js tell me what you want

JORDAN: Sloppy, spit, squirting, u talking dirty, slapping

JORDAN: yourself etc

JORDAN: Is that something u can handle?

JORDAN: First send me everything u have saved and i

JORDAN: can cashapp u

15. On or about September 2, 2023, JORDAN sent a message to Minor Victim 1 that said, "Hi Its my birthday lol."

16. On or about September 7, 2023, JORDAN and Minor Victim 1 chatted as shown below.

JORDAN: U want me to come see u princess?

MINOR VICTIM 1: Yessss

JORDAN: Okay i'll come on the 23rd

JORDAN: Im gonna look at all of that when I get homee

MINOR VICTIM 1: Okay

JORDAN: Okay i'll come on the 23rd

JORDAN: Does that work

MINOR VICTIM 1: Maybe

JORDAN: Tell mee

MINOR VICTIM 1: How old did you say you were

JORDAN: I didn't

JORDAN: Just like you didn't

MINOR VICTIM 1: Well how old are you

JORDAN: How old are you

MINOR VICTIM 1: I asked you first

JORDAN: Im 22

MINOR VICTIM 1: Oh

JORDAN: And u?

JORDAN: Or do u not wanna tell me

MINOR VICTIM 1: 15

JORDAN: Oh

JORDAN: Is that a problem for u

MINOR VICTIM 1: No

17. The FBI observed that Minor Victim 1 had sent JORDAN over twenty images of child pornography prior to September 7, 2023.

18. On or about September 15, 2023, Minor Victim 1 and JORDAN chatted as shown below.

JORDAN: U have something for me?

MINOR VICTIM 1: Not yet

MINOR VICTIM 1: But I can make stuff tmr

MINOR VICTIM 1: Well I do have this

[**AGENT'S NOTE:** Minor Victim 1 sent three videos – *The first video depicts Minor Victim 1 on her knees with vagina and anus towards the camera. The second video depicts Minor Victim 1 masturbating by inserting finger(s) into her vagina. The third video is a close-up of Minor Victim 1's vagina urinating into a toilet.*]

JORDAN: Sit on my face my little girl

JORDAN: I wanna see you destroy your tight little holes

JORDAN: U understand?

MINOR VICTIM 1: Yes I understand

JORDAN: Good girl

JORDAN: I'll send u something tonight :)

MINOR VICTIM 1: Okay [**AGENT'S NOTE:** Emoji with hearts]

JORDAN: Wyd

MINOR VICTIM 1: Organizing

JORDAN: Im coming to you Sunday the 24th ok?

MINOR VICTIM 1: Alr

19. JORDAN told Minor Victim 1 he was coming to the DC area for a wedding and could meet her at her residence. During the CAFI, Minor Victim 1 was asked why she believed he was coming to see her. Minor Victim 1 did not answer, so the CAFI interviewer clarified and asked what he wanted to do when they were together. Minor Victim 1 wrote down on a piece of paper, "He wanted to have sex."

20. On or about September 18, 2023, Minor Victim 1 and JORDAN chatted as shown below.

JORDAN: Good morning

MINOR VICTIM 1: Hey

JORDAN: Heyy

JORDAN: So i'll pick u up around 1 pm on Sunday?

MINOR VICTIM 1: Yeah

JORDAN: Can u stay out longer?

MINOR VICTIM 1: I don't know

JORDAN: How long will I have with you

JORDAN: I wanna take u to get u food too

MINOR VICTIM 1: We can't leave my neighborhood is what

MINOR VICTIM 1: interest trying to say

JORDAN: How far can we go?

JORDAN: What do u suggest

MINOR VICTIM 1: I was gonna say we can go in your car

JORDAN: Yes we can

JORDAN: Where to

MINOR VICTIM 1: Idk

JORDAN: But u can't sneak me in right?

MINOR VICTIM 1: No I can't

MINOR VICTIM 1: I've checked and there's no way

JORDAN: Ohh

MINOR VICTIM 1: Daddy can you send me a dollar?

MINOR VICTIM 1: Pleaseeee

JORDAN: I can send you 10

JORDAN: :)

21. Between on or about September 20 and 21, 2023, Minor Victim 1 and JORDAN chatted as shown below.

JORDAN: You excited to see me this weekend?

MINOR VICTIM 1: Yeah

JORDAN: Do you have anything new for me

MINOR VICTIM 1: Like what?

JORDAN: Like anything

MINOR VICTIM 1: I don't think so

JORDAN: Oh no

MINOR VICTIM 1: Are you okay

22. During the CAFI, Minor Victim 1 stated that, while most of the chatting occurred over Snapchat, she also exchanged text messages with JORDAN while JORDAN used a phone number ending in 4065. On or about August 30, 2023, Minor Victim 1 sent via text message to the number ending in 4065 an approximately 3-minute video depicting Minor Victim 1 anally and vaginally penetrating herself with a prosthetic genital. During the video, Minor Victim 1 faces the camera while the camera is focused on her exposed vagina.

23. Through a search of the U.S. Department of State passport application database, the FBI identified the phone number ending in 4065 in the passport application of Elisha Jason

ALBERT, date of birth of 09/02/0000,³ of Garland, Texas. As mentioned above, JORDAN told Minor Victim 1 that his birthday was September 2.

24. On or about September 22, 2023, an administrative subpoena was served on T-Mobile for the 4065 number. T-Mobile responded that the phone number was registered to an individual, who the FBI believes to be Elisha Jason ALBERT's brother.⁴

25. A search of the Texas Department of Motor Vehicle (DMV) database reveals Elisha Jason ALBERT's address to be in Garland, TX at the address provided by T-Mobile.⁵

26. Minor Victim 1 was shown the TX DMV photograph of Elisha Jason ALBERT, and Minor Victim 1 stated the person in the photo "looks like 'Jordan.'" However, Minor Victim 1 was aware that he wears glasses, which he was not wearing in the TX DMV photograph. The TX DMV database states Elisha Jason ALBERT requires corrective lenses.

27. Open-source checks revealed a WhatsApp account for the phone number ending in 4065, the same number associated with the passport application and the text messages with Minor Victim 1. Minor Victim 1 was shown the WhatsApp profile picture associated with this account, and Minor Victim 1 confirmed that this individual was "Jordan."

28. Having personally reviewed the TX DMV and WhatsApp photos, they appear to depict the same individual. Accordingly, I submit there is probable cause to believe that the

³ The passport application provided ALBERT's real date of birth including year, which is known to me. To protect his personal information, I anonymize it here.

⁴ T-Mobile identified the full name and residential address of the subscriber, which is known to the FBI. However, in an effort to protect the identity of the subscriber, I do not list the full name or address in this affidavit.

⁵ In an effort to protect the identity of other family members, I do not list the full address in this affidavit.

person heretofore referred to as JORDAN is actually Elisha Jason ALBERT. Accordingly, for the remainder of this affidavit, your affiant will refer to this individual as ALBERT.

29. On or about September 22, 2023, an FBI online covert employee (“OCE”) assumed Minor Victim 1’s identity and began communicating with ALBERT while posing as Minor Victim 1. During these chats, among other things, JORDAN assured what he thought was Minor Victim 1 that she did not have to worry about getting pregnant “Cause I wont finish inside u[.]”

30. On September 25, 2023, ALBERT traveled to the Giant grocery store where the FBI OCE, while posing as Minor Victim 1, and ALBERT had previously agreed to meet. Upon arriving at the Giant grocery store, ALBERT was arrested by FBI special agents and task force officers. The person arrested at the pre-arranged meet location matched the photographs previously identified by Minor Victim 1 as the individual with whom she was chatting and with whom she planned to meet for sex. ALBERT was further positively identified based on his Texas driver’s license.

31. After he was arrested by the FBI, ALBERT waived his *Miranda* rights and consented to an interview with your affiant and another FBI special agent. During that interview, which was audio and video recorded, ALBERT admitted that he knew that Minor Victim 1 was fifteen years old. I reviewed the Snapchat and text message conversations with Minor Victim 1 and, later the FBI OCE, and ALBERT admitted that he was the person on the other end of the communications. ALBERT further admitted that his intent in traveling to meet with Minor Victim 1 on or about September 25, 2023, was to have sex with her.

CONCLUSION

32. Based on the foregoing, I submit that there is probable cause to believe that between on or about August 25, 2023, and on or about September 25, 2023, ELISHA JASON ALBERT, knowing that Minor Victim 1 was 15 years old, used at least one facility of interstate and foreign commerce to attempt to knowingly persuade, induce, entice, and coerce Minor Victim 1, who was located in the Eastern District of Virginia, to engage in sexual activity for which ALBERT could have been charged with a criminal offense, all in violation of 18 U.S.C. § 2422(b), and I respectfully request that a criminal complaint be issued for ALBERT.

Respectfully submitted,



Matthew E. Lee, Special Agent
Federal Bureau of Investigation

Respectfully submitted and attested to in accordance with the requirements of Fed. R. Crim. P. 41 via telephone on September 26, 2023.



Digitally signed by Ivan Davis
Date: 2023.09.26 13:22:00 -04'00'

The Honorable Ivan D. Davis
United States Magistrate Judge